

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

AMERICAN SPIRIT AND CHEER  
ESSENTIALS, INC. by HEIDI  
WEBER, ROCKSTAR  
CHAMPIONSHIPS, LLC by DAVID  
OWENS, JEFF & CRAIG CHEER,  
LLC, d/b/a JEFF AND CRAIG  
CAMPS, by CRAIG HALLMARK,  
MARK LUKENS and KATHLEEN  
LUKENS, and ASHLEY HAYGOOD,  
Individually and on Behalf of all Others  
Similarly Situated,

Plaintiffs,

v.

VARSITY BRANDS, LLC, BSN  
SPORTS, LLC, VARSITY SPIRIT  
LLC, HERFF JONES, LLC, VARSITY  
BRANDS HOLDING CO., INC.,  
VARSITY SPIRIT FASHION &  
SUPPLIES, LLC, U.S. ALL STAR  
FEDERATION, INC., USA  
FEDERATION FOR SPORT  
CHEERING, d/b/a USA CHEER,  
VARSITY INTROPA TOURS, LLC  
and JEFF WEBB,

Defendants.

**CIVIL ACTION  
FILE NUMBER:  
2:20-cv-02782-SHL-tmp**

**CERTIFICATE OF  
NONCOMPLIANCE**

Pursuant to Local Rule 7.2(a)(1)(B), the undersigned certifies that by all indications available to him, opposing counsel refused to cooperate in the conduct of a conference. Moving counsels' efforts to schedule even a short call include:

**On April 11, 2022:** Outlined the basis of movants' motion and provided times (April 12<sup>th</sup> between noon and 4:00 PM (EST); or April 13<sup>th</sup> between 9:30 and 5:30 (EST)) for any of twelve (12) defense counsel to join a consultation via telephone call.

**On April 12, 2022:** Followed up after no response from any of twelve (12) defense counsel.

**On April 13, 2022:** Followed up after no response from any of twelve (12) defense counsel. Reminded all twelve of LR 7.2. Explained that fact discovery is set to end on April 18, 2022. Allowed defense to choose any specific time between 2:00 EST April 13 and noon EST, April 15, 2022. One defense counsel did respond but could not say what extension would be appropriate.

**On April 15, 2022:** Asked for any reason not to preserve the previously agreed preparation periods. Invited the Defense to call before the currently-set end of fact discovery (April 18, 2022) for a

conference if they could reach *any rationale* for not extending the schedule by the length of the stay period.

**April 18, 2022:** Waited for any call from any of twelve (12) defense counsel and received none by close of business.

Respectfully submitted,

This 18<sup>th</sup> day of April 2022.

s/ Kobelah Svensen Bennah  
Kobelah Svensen Bennah  
Attorney Bar No. 378113

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